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September 23, 2024

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### **Via ECF and Electronic Mail**

The Honorable Vincent F. Papalia  
United States Bankruptcy Judge  
District of New Jersey  
50 Walnut Street, Courtroom 3B  
Newark, New Jersey 07102

Re: **Bed Bath & Beyond, Inc.,  
Case No. 23-13359 (VFP)  
Second Joint Status Report - Stay Relief Motions  
and Personal Injury Claim Resolution Procedures  
Motion**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the "Plan Administrator") to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor's request for a joint status report in connection with the parties progress in formulating estimation or resolution procedures<sup>1</sup> in connection with personal injury claims. We previously provided you status updates on July 8, 2024, July 22, 2024, August 26, 2024, and September 9, 2024, which appear on this Court's Docket at Docket Nos. 3345, 3352, 3483, and 3506, respectively.

Per Your Honor's direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the "Parties"), are continuing to work through

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<sup>1</sup> Capitalized terms not defined herein shall have the same meaning ascribed to them in the May 30, 2024, correspondence to the Court, filed at Docket No. 3304, or as otherwise provided herein.



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the need for alternative dispute resolution procedures (the “ADR Procedures”) and if necessary, how best to implement same. With respect to the Duczkowski claim(s), the parties have determined that stay relief for the limited purpose of allowing mediation to proceed is the most efficient path forward for both the plaintiffs and the Debtors’ estates. The parties will submit a stipulated order allowing the Duczkowski claim to move forward with mediation. In connection with Mr. Zeve’s claim(s), if the parties are not able to reach a consensual resolution, Mr. Zeve will request that his motion for stay relief be restored to the Court’s calendar, and the Plan Administrator will move to allow the claim at the amount filed in the proof of claim.

This Court previously established a status conference on the ADR Procedures and as a carry date on the Motions (the “Status Conference”), which is currently set for September 24, 2024, at 10:00 a.m. The Parties have agreed to a continuance of the Status Conference as they continue to work through the above issues, and request this Court continue the status conference to the existing hearing date of October 22, 2024, at 10:00 a.m.

Respectfully submitted,

*/s/ Paul J. Labov*

Paul J. Labov

PJL

cc: Michael I. Goldberg, Esq. (*via email*)  
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